United States Government **Department of Energy**

memorandum

Idaho Operations Office

Date: January 29, 2004

Subject: Annual National Environmental Policy Act Planning Summary (TS-ETSD-04-010)

To: Beverly A. Cook, Assistant Secretary
Environment, Safety and Health

In accordance with DOE Order 451.1B, the Department of Energy, Idaho Operations Office is submitting its 2004 Annual NEPA Planning Summary. The 2004 Annual NEPA Planning Summary has also been made available to the public. Estimated NEPA document costs are provided for actions that are well enough defined from a planning and budget perspective.

Our highest NEPA compliance program priority for 2004 is to issue a Record of Decision for the Final Idaho High Level Waste and Facilities Disposition EIS. We will work closely with the Office of NEPA Policy and Assistance and other HQ organizations to coordinate and streamline the review and concurrence process to the extent we can.

If you have any questions concerning the attachment or NE-ID's NEPA compliance program, please contact our NEPA Compliance Officer, Roger Twitchell, at (208) 526-0776 or Jack Depperschmidt at (208) 526-5053.

for Elizabeth D. Sellers
Manager

Attachment

cc: C.M. Borgstrom, EH-42

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Recd 2/6/04

DEPARTMENT OF ENERGY
IDAHO OPERATIONS OFFICE
ANNUAL NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
PLANNING SUMMARY

January 2004

1. BACKGROUND

Preparation of an Annual NEPA Planning Summary (the Planning Summary) is a requirement of DOE Order 451.1B. This Order establishes internal agency requirements and responsibilities for implementing NEPA. The Planning Summary is prepared as a means of informing the public and other DOE elements of (1) the status of ongoing NEPA compliance activities, (2) any environmental assessments expected to be prepared in the next 12 months, (3) any environmental impact statements expected to be prepared in the next 24 months, and (4) the estimated cost and schedule for completion of each NEPA review identified. The Planning Summary also periodically includes an evaluation of whether a site-wide EIS would facilitate future NEPA compliance efforts, as required by DOE O 451.B (4)(d). In addition to these requirements, the Planning Summary identifies NEPA documents across DOE that may affect the DOE Idaho Operations Office (NE-ID) or the Idaho National Engineering and Environmental Laboratory (INEEL).

The following provides information concerning the relationship of past NEPA reviews and events with the current NEPA compliance situation for NE-ID and the INEEL.

The Record of Decision for the DOE Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement (PSNF & INEL EIS) was issued May 30, 1995. That EIS Record of Decision implemented alternatives for the DOE national spent nuclear fuel program and for INEEL environmental restoration and waste management programs. The State of Idaho sued DOE, alleging the PSNF & INEL EIS was inadequate and that NEPA had been violated. The lawsuit was resolved in what became known as the Idaho Settlement Agreement. On October 17, 1995, the Federal District Court entered an order that incorporated as requirements all the terms and conditions of the Idaho Settlement Agreement. A supplement analysis of the PSNF&INEL EIS was completed in September 2002 and was made available to the public. Based on the supplement analysis DOE determined that, at that time, an additional or supplemental site-wide EIS would not facilitate INEEL NEPA compliance efforts.

2. STATUS OF ONGOING NATIONAL ENVIRONMENTAL POLICY ACT REVIEWS

EM Activities

Idaho High-Level Waste and Facilities Disposition EIS (HLW EIS)
High-level waste results from reprocessing spent nuclear fuel and is highly radioactive. It includes liquid waste produced directly from reprocessing and any solid waste derived from that liquid. At the INEEL, high-level waste exists in a solid form called calcine. In addition to the calcine, reprocessing and decontamination operations at the Idaho Nuclear Technology and Engineering Center (INTEC) generated radioactive liquid

referred to as sodium bearing waste. The calcine is stored in bin sets and the sodium bearing waste is stored in underground tanks at INTEC.

The HLW EIS analyzes alternatives for the treatment and management of calcine, sodium-bearing waste, and newly generated liquid waste including their characteristics, disposition, and transportation of the final waste forms. The HLW EIS also analyzes disposition and closure alternatives for high-level waste treatment and storage facilities at INTEC such as the New Waste Calcining Facility, underground storage tanks, and calcine storage bin sets. The HLW EIS Notice of Intent, published in the Federal Register September 19, 1997 (62 FR 49029), provided background information, stated the purpose and need, and described the proposed action and agency identified alternatives.

Public scoping for the EIS was conducted from September 19, 1997, through November 24, 1997, during which time public scoping meetings were held in Idaho Falls and Boise, Idaho. In September 1998, the State of Idaho became a cooperating agency in the preparation of the HLW EIS. A notice of availability of the draft EIS was published in the Federal Register on January 21, 2000 (65 FR 3432). The public was provided opportunity to comment in writing and at meetings in Idaho Falls, Pocatello, Twin Falls, Fort Hall, and Boise, Idaho; Jackson, Wyoming; Portland, Oregon; and Pasco, Washington. DOE initially scheduled a 60-day public comment period on the Draft EIS ending March 20, 2000. In response to public request, the comment period was extended 30 days, to April 19, 2000.

In its 2001 Annual NEPA Planning Summary, DOE planned to complete the Final EIS by mid 2001 and issue a record of decision approximately 30 days later. In September 2001, DOE placed the Final EIS on hold pending a review of the alternatives in light of a DOE top-to-bottom review of environmental management programs. A primary purpose was to make sure the range of alternatives analyzed in the EIS was broad enough to provide the basis for performance-based decisions, rather than a decision tied to a single technology. DOE completed its review in January 2002 and resumed work on finalizing the EIS with an orientation toward a performance-based preferred alternative. In the Final EIS, the State of Idaho and DOE identified separate preferred alternatives for waste treatment, but identified the same preferred alternative for facilities disposition. The state identified direct vitrification as its preferred waste treatment alternative. The final EIS indicates there is no environmental or health and safety risk basis for selecting one action alternative technology or option over another because the environmental impacts would be about the same. Therefore, DOE's preferred alternative for the treatment of sodium bearing waste is to select from among the options and technologies analyzed in the EIS based on performance factors such as data from demonstration scale testing, technical maturity, cost and schedule, ability to meet compliance dates, and public input.

The Final HLW EIS, dated September 2002, was issued concurrent with the EPA Notice of Availability published in the Federal Register October 11, 2002 (67 FR 63421). DOE plans a phased decision making process to implement the proposed action and the elements of its preferred alternative. DOE had planned to issue the first record of decision in the phased decision making process on the High-Level Waste EIS in early 2003. However, due to the litigation on DOE Order 435.1, Radioactive Waste Management, approval of the ROD is being held in abeyance pending response to the Secretary's request to Congress to clarify the definition of HLW in the Nuclear Waste Policy Act. In addition, the Department filed notice (on August 26, 2003) that DOE will appeal the Waste Incidental to Reprocessing (WIR) Determination process court ruling (original court decision was on July 3, 2003).

Preparation of the Idaho High-Level Waste EIS was awarded under DOE's National NEPA Contract with portions awarded under local support service contracts. The cost of the Idaho High-Level Waste EIS is estimated to be about $15 million. This amount includes environmental impact analyses and document preparation as well as preliminary engineering, design review and validation, facility planning, public involvement, and waste characterization costs.

3. ACTIONS FOR WHICH ENVIRONMENTAL ASSESSMENT (EA) PREPARATION IS PLANNED TO BE INITIATED IN THE NEXT 12 MONTHS.

NE Activities

Coal-Fired Steam Generation Facility

The DOE Idaho Operations Office is considering transferring by leasing or other disposition buildings and equipment associated with an unused steam generation facility on approximately 15 acres of land at the INEEL. One proposal under consideration by DOE intends to rehabilitate and operate the premises to promote economic development, conduct research and development authorized by DOE authorities, and produce commercial electric power. Qualified applicants would be sought to convert the steam generation facility to enable electric power generation using private funds. The applicants will be private companies that have the capability from both technical and financial aspects to successfully complete the conversion. The applicants must demonstrate a willingness to cooperate with INEEL in conducting research compatible with the operation of the facility, such as clean coal, biomass firing. The second proposal is from another group that would like to remove useful equipment for future use as compensation for demolishing the facility buildings.

Disposition of the facility is contingent upon completion of NEPA and the receiving party will cooperate with DOE by providing needed information. DOE will identify what information is required to comply with NEPA in completing an EA. Proposing parties will, at their expense, provide this information to DOE. DOE anticipates the preparation of the EA to start in August 2004 and be completed in January 2005. The cost of the EA is not known at this time.

Remote Treatment Project

The proposed action is to provide heavily shielded remote waste handling services for ANL-W and INEEL legacy and newly-generated remote handled (RH) waste. The project would include a shielded hot cell with equipment for sorting, characterizing, treating and repackaging highly radioactive transuranic, mixed, and other radioactive waste. The facility mission is to make RH radioactive wastes ready for shipment to disposal. Much of the proposed action was analyzed in the PSNF & INEL EIS as the Remote Mixed Waste Treatment Facility project. Notice of Intent (to prepare an EA) letters were mailed to State of Idaho and Shoshone-Bannock Tribal contacts in January of 2001. The draft EA is scheduled for public comment in June of 2004. The Final EA is scheduled for completion on August 6, 2004. The total cost of the NEPA process is estimated to be $150,000.

EM Activities

Nuclear Regulatory Commission NEPA Review

In addition to anticipated DOE actions at the INEEL that warrant NEPA review, the Nuclear Regulatory Commission has separate NEPA authority over NRC-licensed activities forming a part of the INEEL mission. These activities currently include the Three Mile Island Unit 2 (TMI-2) Independent Spent Fuel Storage

Installation (ISFSI) licensed under materials license SNM-2508 (located on the INTEC site) and the Fort St. Vrain ISFSI licensed under materials license SNM-2504 (located near Platteville, Colorado). NRC evaluates changes in or exemptions from license conditions/regulations under NEPA. NEPA reviews/actions are anticipated to occur (though infrequently) in the future as NRC regulatory requirements evolve.

In addition, Foster Wheeler Environmental Corporation submitted a license application (Docket #72-25) to the NRC on November 19, 2001 for a spent fuel storage facility to be constructed on the INEEL. The facility will be owned and operated by Foster Wheeler under a privatization contract with NE-ID. Issuance of the license by NRC to Foster Wheeler will be supported by the NRC Final EIS to be issued in the second quarter of CY 2004. Issuance of the license (planned in CY 2004) constitutes the equivalent of the Record of Decision.

Inactive Reactors Dismantlement and Deactivation
NE-ID is in the process of characterizing the contamination located in three reactors (Power Burst Facility, Engineering Test Reactor, and Material Test Reactor) located on the INEEL. This characterization information will be used in the development of an Environmental Assessment (EA) for these reactors. The EA will present the reactor Dismantlement and Deactivation alternatives along with the analysis and impacts. DOE expects to begin development of the EA by the end of the year. The cost of the EA is estimated to be $285,000.

4. ACTIONS FOR WHICH ENVIRONMENTAL IMPACT STATEMENT PREPARATION IS PLANNED TO BE INITIATED IN THE NEXT 24 MONTHS.

With the renewed emphasis on nuclear energy there may be a need for future NEPA reviews on proposed nuclear energy projects.

5. EVALUATION OF WHETHER A SITE-WIDE ENVIRONMENTAL IMPACT STATEMENT WOULD FACILITATE FUTURE NEPA COMPLIANCE EFFORTS.

Although the INEEL is considering new mission development, the integration of these proposed new actions into a Site-wide EIS would be premature at this time.

6. ENVIRONMENTAL IMPACT STATEMENTS AND ENVIRONMENTAL ASSESSMENTS COMPLETED IN 2003.

Wildland Fire Management Plan/Environmental Assessment
A series of wildfires between 1994 and 2000 burned about 136,000 acres on the INEEL. Other large area wildfires occurred on the Snake River Plain and near the INEEL during this same period. These fires burned primarily in the sagebrush steppe vegetation type. Sagebrush (Artemisia spp.) is killed by fire, and when large areas are burned, is slow to recover. Burned areas are vulnerable to erosion and invasion by weedy species, especially cheatgrass. Actions taken during and following wildland fires can have a profound effect on cultural resources and wildlife habitat.

On January 17, 2001, the DOE-ID manager signed a determination to prepare an environmental assessment to evaluate pre-fire planning, fire response, and post fire restoration alternatives. The draft plan/EA was released for public review and the 30-day public comment period ended on October 16, 2002. DOE considered public comments on the draft plan/EA and issued the final EA and Finding of No Significant Impact in April 2003.

The INEEL Management and Operating contractor, BBWI, prepared the plan/EA; the cost was approximately $120,000.

The indirect benefit of this interagency collaboration on wildland fire planning has been to inform the Interagency Fire Suppression Teams, through their fire suppression plans, on what exists at the INEEL. Before this effort the fire suppression teams have had little or no information on the INEEL resources so they treated the area as another block of public land. They now understand the large number of people at risk from fires, facility operations that are affected by smoke and dust storms following fires and the sensitivity of some of the work performed at the INEEL. This change will help reduce operating costs and improve safety at the site.

7. DOE NEPA REVIEWS IN PROGRESS OR PENDING, WHICH CONSIDER THE INEEL IN THE PROPOSED ACTION OR ALTERNATIVES.

1. Disposition of Scrap Metals Programmatic EIS (May affect disposition of INEEL scrap metal).
2. The West Valley Demonstration Project Waste Management Final EIS considers the INEEL in an alternative for the interim storage of transuranic waste.
3. The Bureau of Land Management is working on an EIS for wildland fire and fuels management. That EIS describes the INEEL as a category B polygon meaning wildland fire is not desired and aggressive fire suppression tactics would be employed.